


66TH CONFERENCE ON EXCEPTIONAL CHILDREN

Inclusion

Finding the LRE for ALL Children

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 PUBLIC SCHOOLS OF NORTH CAROLINA
State Board of Education | Department of Public Instruction

November 8-10, 2016

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The IDEA's Presumption of Inclusion

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Least Restrictive Environment

"To the maximum extent appropriate, **children with disabilities**, including children in public or private institutions or other care facilities, **are educated with children who are not disabled** and special classes, separate schooling, . . .

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. . . **or other removal of children with disabilities from the regular educational environment** occurs **only** when the nature or severity of the disability of the child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."


20 USC 1412(a)(5)(A)(emphasis added)


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Separate is NOT Equal



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"ipso facto" - "by that very fact or act: as an inevitable result"

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Special Education Started in Institutions



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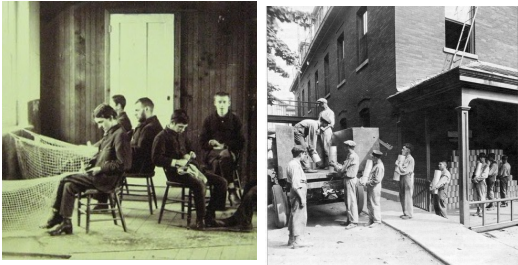
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**Public Law 92-142
 (Education of All
 Handicapped Children Act)**

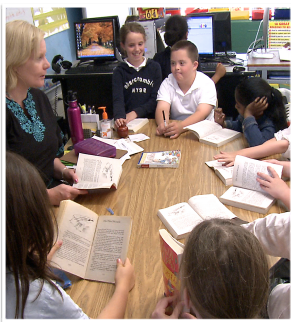


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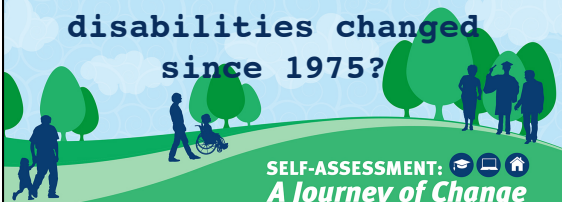
Inclusive education is a human right. And it makes a difference in student outcomes.



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How has our approach to educating students with low incidence disabilities changed since 1975?



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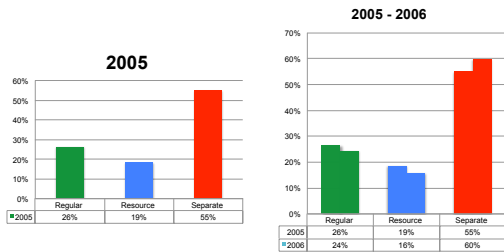
Low Incidence Disabilities

- Low frequency (relative to other disabilities)
- Have extensive intellectual support needs, who may also have other disabilities (e.g., physical, sensory, communication)
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment

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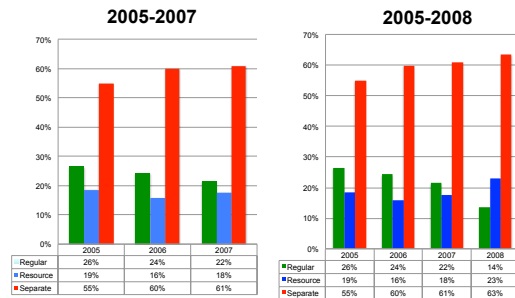
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CECAS Data for Students with Intellectual Disabilities



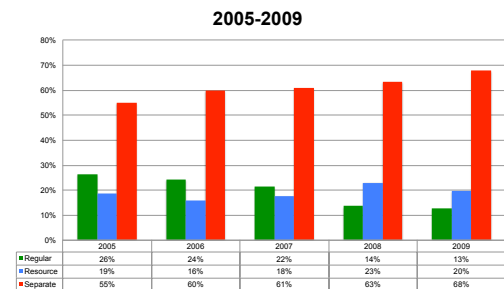
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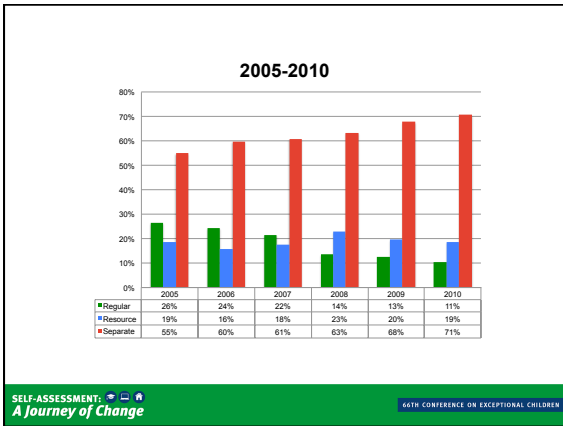
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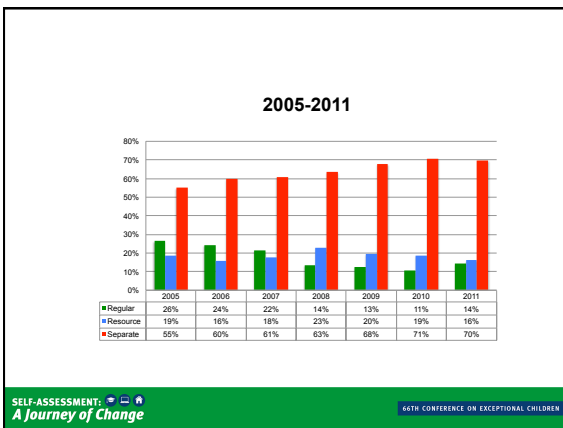
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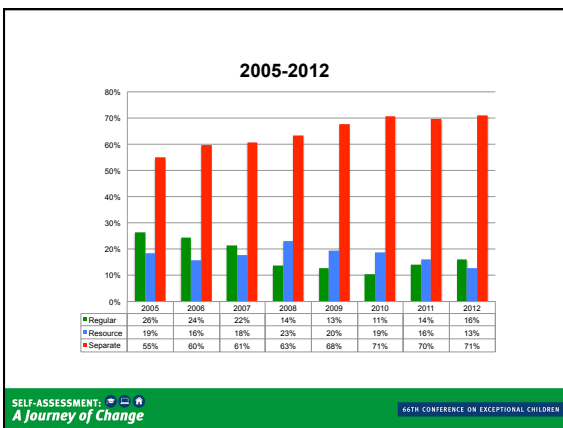


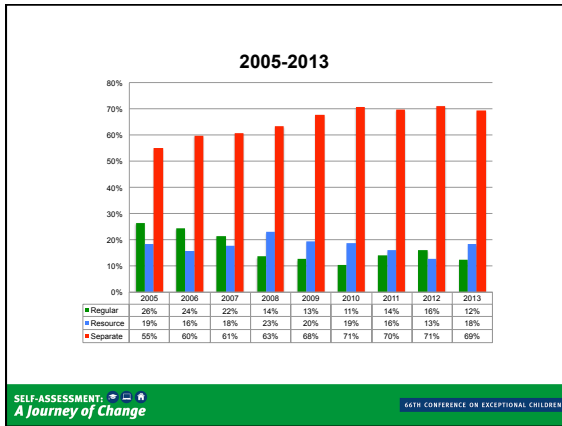
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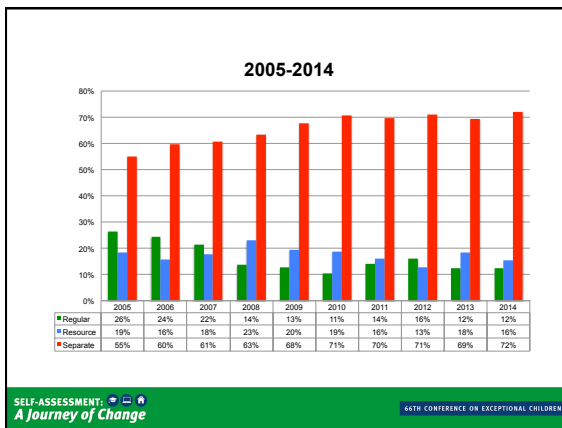
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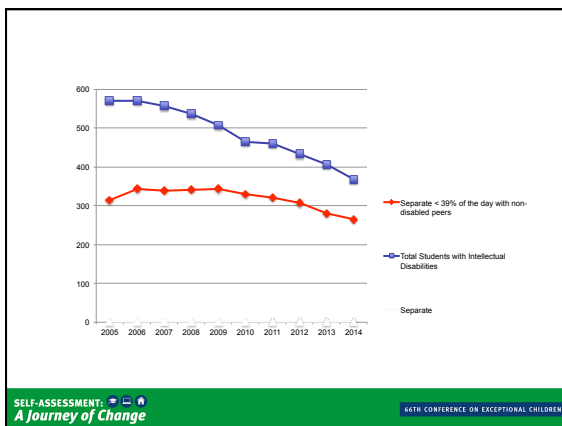


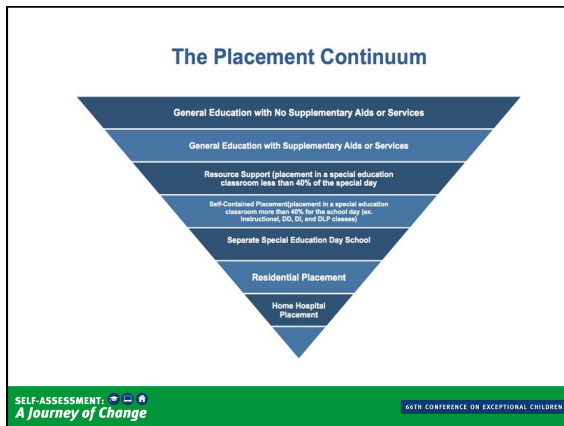












Misconceptions of LRE have profound impacts on students



Photo credit: A. Miller

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Mainstreaming v. Inclusion

Is there really a difference?



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Mainstreaming

- Student attends a general education class some of the time
 - Classes where student “can participate” or will “get something out of it”
 - Student must be able to work with existing curriculum and supports
 - Visitor status

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Inclusion

- Not just place, not just time
- Students are **full time**, equal members of age-appropriate general education classrooms
- Students have supports and services brought to them, where they learn
- Assumes potential to learn (no prerequisites)
- The curriculum is modified to meet the student's needs

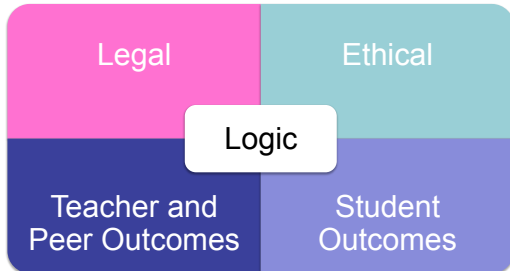
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“Regardless of how good of a swim instructor you are, you can't teach a person to swim in the parking lot of a swimming pool.” Norman Kunc



Why do we Focus on inclusion?



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Legal Reasons

- IDEA
- *Brown v. Board of Education*(1954) – separate is not equal
- *DeVries v. Fairfax County School Board* (1989) – integrating disabled students with non-disabled students is “not only a laudable goal but is also a requirement of the Act.”

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Case Law (cont.)

Hartmann v. Loudoun County Board of Education (1997) –

prior to removing a child to a more restrictive placement, the court analyzed the substantial efforts of the school district to educate Mark Hartmann in an inclusive setting. (Mark was unable to speak, could not write, and could consistently type only a few words such as “is” or “at” by himself on a keyboard device)

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In Loudoun, the school district:

- Carefully selected Mark's teacher;
- Hired a full-time aide to assist Mark throughout the day;
- Put Mark in a smaller class with more independent children;
- Mark's regular education teacher read extensively about autism to prepare herself to be Mark's teacher;
- Mark receive 5 hours per week of speech and language therapy

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The school district's efforts (continued):

- Mark's teacher and his full-time aide received training in facilitated communication;
- The Loudoun County Director of Special Education personally worked with Mark's IEP Team;
- A special education teacher was assigned to provide Mark with 3 hours of instruction a week and to advise Mark's teacher and aide;

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The school district's efforts (continued):

- The district provided in-service training on autism and inclusion of disabled children in the regular classroom;
- Mark's IEP Team also received assistance from outside educational consultants;
- Mark's teacher, full-time aide, and other members of the IEP Team, attended a seminar on inclusion held by the VA Council for Administrators of Special Education;

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The school district's efforts (continued):

- Mark's teacher conferred with additional specialists whose names were provided to her by the Hartmanns and the school;
- Mark's curriculum was modified to ensure that it was properly adapted to his needs and abilities;

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The school district's efforts (continued):

- Mark's teacher met constantly with Mark's aide, his speech therapist, the IEP Team, and others to work on Mark's program—daily at the beginning of the year and at least twice a week throughout the remainder of the year.

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After analyzing the district's documented efforts:

- The court upheld the district's decision to remove Mark from his non-disabled peers for academic instruction and **only** allow him access to his non-disabled peers during lunch, recess, and specials.

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Guidance from the U.S. Department of Education:

- Letter to VanWart (1993):

Impermissible factors for determining placements may include: category of disability, configuration of the delivery system, availability of educational or related services, availability of space, and administrative convenience.

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More Guidance from OSEP:

- Letter to Cohen (1996):

“OSEP does not interpret Part B’s LRE provision to require that a disabled student actually be placed in the regular classroom and fail before a more restrictive placement is considered. . . .

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More Guidance from OSEP:

- Letter to Cohen (1996) (cont.):

. . . [the IEP Team] must give first *consideration* to placement of a disabled student in the regular classroom with appropriate aids and services before a more restrictive placement can be considered.

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More Guidance from OSEP:

- Letter to Cohen (1996) (cont.):

In determining whether regular class placement would be appropriate for an individual disabled student, the team must thoroughly consider the full range of supplementary aids and services, in light of the student's abilities and needs, that could be provided to facilitate the student's placement in the regular educational environment."

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Ethical Reasons

- Least Dangerous Assumption
- Social justice
- Improves diversity and social understanding

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There are no legal or educational prerequisites to inclusion

- If schools can successfully educate a student in a general education classroom with peers who do not have disabilities, then the school must offer that educational experience.
- Students with disabilities do not need to keep up with students without disabilities in order to be educated in a general education classroom.
- Students with disabilities do not need to engage in the curriculum in the same way as students without disabilities in order to justify their inclusion.

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Teacher Outcomes

- Inclusive Education improves teacher ability to teach all students, not just those with disabilities (Finke et al., 2009)
- Increases teacher competence (Kasa-Hendrickson, 2005)

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Outcomes on Students without Disabilities

- Parents believe inclusion benefits their child academically and socially
 - Peck et al., 2004
- No effect on academic performance of typical peers
 - Ruijs et al., 2010; Salend & Duhaney, 1999; Sermier & Bless, 2013; Sharpte, York, & Knight 1994
- Positive academic gains for typical peers
 - Cole et al., 2004
- Positive social gains for peers
 - Kalambouka, Farrell, & Dyson 2007

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Program Outcomes

- GE have more instruction, address more academic content, and use peers vs. adult supports more effectively (Helmstetter et al., 1998)
- IEPs are higher quality in IE vs. self-contained (Kurth 2012)
- IEP goals more closely related to desired adult outcomes and roles (Hunt & Farron-Davis, 1992)

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